



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 24 2014

Mr. Austin Check
P.O. Box 3271
Meridian, Mississippi 39303

Dear Mr. Check:

Thank you for your March 17, 2014, letter regarding your concerns with the City of Meridian (City) Publicly Owned Treatment Work facilities in Meridian, Lauderdale County, Mississippi. In your letter, you express concerns regarding the State of Mississippi Department of Environmental Quality's (MDEQ) permitting and enforcement programs as these relate to the water quality in Sowashee Creek. You also documented several sanitary sewer overflows (SSOs) from the City's sewer system occurring near low income/subsidized family housing and affecting water quality of Sowashee Creek.

Your efforts to catalog ongoing SSOs in the City prompted the EPA to perform an inspection of the City's wastewater collection and treatment facilities on April 9, 2014. The inspection included site visits during wet weather conditions to several locations identified in your complaint. We are in the process of finalizing the inspection report, which should be publically available by the end of April 2014. At this time, we cannot comment any further regarding the inspection results due to the possibility of enforcement actions, which if taken will incorporate consideration of Environmental Justice concerns.

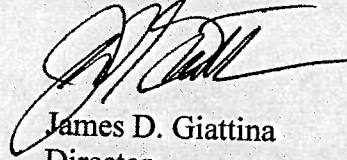
You expressed dissatisfaction at not being granted a public hearing on the permit modification. Federal regulations allow the MDEQ discretion as to when to hold a public hearing based on the significance of the comments received. Accordingly, we obtained a copy of the hearing request transcript and related affidavits. These documents showed that the MDEQ followed appropriate permitting procedures and addressed your concerns in the affidavits from the MDEQ.

I would like to further address your concern that the permit was being modified even though there may be continuing SSOs within the City's collection system and past wastewater treatment plant (WWTP) violations. Permit modifications are governed by regulations at 40 C.F.R. Sections 122.62 and 122.63. There is no prohibition against modifying a permit for facilities that have violated their permit, if the applicable criteria for modifications are otherwise met. However, permitting actions such as modifications can serve to remedy a non-compliance situation or alleviate a water quality problem by allowing new construction or discharge options which can bring a permittee into compliance and/or restore receiving water. In this case, the permit was modified to reroute effluent from the Meridian South and East WWTPs to the Kemper County Mississippi Power Facility (power plant), which is currently under construction. There, the effluent will be used as cooling water. This action reroutes much of the City's discharge from its current discharge point in Sowashee Creek (from an outfall located at the City's South WWTP) and only allows an intermittent discharge when the power plant is unable to accept the City's entire flow. Once the power plant is fully operational, the City contends that the power plant will receive nearly 100% of the flow from both WWTPs.

It is important to note that SSOs are unpermitted and/or untreated discharges, which are not allowed by a National Pollutant Discharge Elimination System permit. Exceedances of wastewater treatment plant effluent limits are also permit violations. The permit violations noted during the EPA's inspection and any subsequent investigation will be included in any enforcement actions that may be initiated as a result.

We appreciate your efforts to protect and preserve the environment and hope this information is helpful. Please contact Mr. Les Herrington of the MDEQ at (601) 961-5010 or Mr. Dennis Sayre, of my staff at (404) 562-9756 if you need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Giattina", with a long horizontal flourish extending to the right.

James D. Giattina
Director

Water Protection Division